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SECURITY COUNCIL
Forty-eighth year

Letter dated 19 November 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the resolution of the Verkhovna Rada of Ukraine on Ratification of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and of the Protocol thereto signed in Lisbon on behalf of Ukraine on 23 May 1992.

I would be grateful if you would have the text of the present resolution circulated as an official document of the General Assembly under agenda item 71, entitled "General and complete disarmament", and of the Security Council.

(Signed) Victor H. BATIOUK
Ambassador
Permanent Representative
of Ukraine to the United Nations

ANNEX

Resolution of the Verkhovna Rada of Ukraine on the ratification of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, a/ and of the Protocol thereto signed in Lisbon on behalf of Ukraine on 23 May 1992 b/

The Verkhovna Rada of Ukraine,

Resolves to ratify on behalf of Ukraine, a successor State to the former USSR, the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms (hereinafter referred to as the Treaty), signed in Moscow on 31 July 1991, which includes the following documents, which are integral parts of the Treaty:

- Memorandum of Understanding on the Establishment of the Database relating to the Treaty,
- Protocol on Procedures Governing the Conversion or Elimination of the Items Subject to the Treaty,
- Protocol on Inspections and Continuous Monitoring Activities relating to the Treaty,
- Protocol on Notifications relating to the Treaty,
- Protocol on ICBM and SLBM Throw-weight relating to the Treaty,
- Protocol on Telemetric Information Relating to the Treaty,
- Protocol on the Joint Compliance and Inspection Commission Relating to the Treaty,
- Agreed Statements Annex,
- Definitions Annex,
- Protocol to the Treaty, signed in Lisbon on behalf of Ukraine on 23 May 1992 (with the exception of article V),

with the following reservations to the Treaty and the documents, which are integral parts thereof:

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a/ For the text, see CD/1192.

b/ For the text, see CD/1193.

1. In accordance with the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts of 1983, the Law of Ukraine on the enterprises, institutions and organizations under Union authority located in the territory of Ukraine of 10 September 1991, and the fundamental concepts of the foreign policy of Ukraine, all the assets of the strategic and tactical nuclear forces deployed in Ukraine, including their nuclear warheads, shall be the state property of Ukraine;

2. Ukraine shall not consider itself bound by article V of the Lisbon Protocol;

3. Having come into possession of the nuclear weapons inherited from the former USSR, Ukraine shall exercise administrative control over the strategic nuclear forces deployed in its territory;

4. The people of Ukraine, who have suffered the disastrous consequences of the Chernobyl nuclear catastrophe, recognize their great responsibility towards the peoples of the world to ensure that nuclear war is not unleashed from Ukrainian territory. Ukraine shall therefore take the necessary measures to prevent the use of nuclear weapons deployed in its territory;

5. Ukraine, as a nuclear-weapon State, shall strive to achieve non-nuclear status and gradually eliminate the nuclear weapons deployed in its territory, provided that it receives reliable guarantees of its national security, under which nuclear States would assume an obligation never to use nuclear weapons against Ukraine, not to use conventional armed forces against it and to refrain from the threat of force, to respect the territorial integrity and inviolability of the frontiers of Ukraine and to refrain from economic pressure as a means of resolving disputes of any kind;

6. The reduction and subsequent elimination of strategic offensive nuclear weapons deployed in the territory of Ukraine shall be carried out in accordance with the provisions of the Treaty and article II of the Lisbon Protocol, on the basis that 36 per cent of its launchers and 42 per cent of its nuclear warheads shall be subject to elimination. This shall not preclude the possibility of the elimination of additional launchers and warheads in accordance with any procedures which may be determined by Ukraine;

7. Ukraine shall fulfil its obligations under the Treaty within the time-limits which it establishes, on the basis of legal, technical, financial, organizational and other considerations, to ensure proper nuclear and environmental safety and security. Taking into account the current economic crisis which it is undergoing, Ukraine will be able to fulfil these obligations only if sufficient international financial and technical assistance is provided;

8. The entry into force of the Treaty and its implementation shall not create any grounds for the States Parties to the Treaty to attempt to achieve unilateral advantages for their entities in the high-technology market, in scientific and technological exchanges and cooperation in the use of nuclear energy for peaceful purposes, and in the use of missile technology, which could be detrimental to the national interests of Ukraine;

9. If the dismantlement and elimination of nuclear warheads deployed in the territory of Ukraine takes place outside its territory, Ukraine shall exercise direct control over that process in order to ensure that the nuclear component of those nuclear warheads is not used for the production of new nuclear weapons;

10. The conditions and the schedule for the transfer of nuclear warheads for dismantlement and elimination shall be determined by a special agreement or agreements providing either for the return to Ukraine of the components of the nuclear weapons so that they may be used for peaceful purposes or for payment of compensation for their value. The conditions relating to compensation shall also apply to the tactical nuclear weapons withdrawn from the territory of Ukraine to Russia in 1992;

11. Since Ukraine did not participate directly in the negotiations relating to the drafting of the Treaty, it is recommended that the President and the Government of Ukraine should conduct negotiations with the States concerned and with international organizations on the following matters:

(a) International guarantees of the national security of Ukraine;

(b) The conditions governing economic, financial, scientific and technical assistance in the implementation of the obligations assumed under the Treaty;

(c) The servicing and maintenance of nuclear warheads and missile complexes by the manufacturers;

(d) The review of the conditions governing the financing of inspection activities under the Treaty;

(e) The possibilities of using silos for peaceful purposes, under reliable supervision;

(f) The conditions governing the use of weapons-grade fissionable materials removed from nuclear weapons in the process of their elimination;

(g) Guarantees of fair compensation for the material value of components of nuclear weapons;

12. It is recommended that the President of Ukraine approve the schedule for the elimination of strategic offensive arms specified in this resolution and ensure control over its implementation;

13. It is recommended that, when preparing Ukraine's budget for 1994, the Cabinet of Ministers of Ukraine should open a special budget line for costs incurred in the fulfilment by Ukraine of its obligations under this Treaty.

* * *

Ukraine will proceed to the exchange of the instruments of ratification only after the conditions specified in paragraphs 5, 6, 7, 9, 10 and 11 above have been met.

The Verkhovna Rada of Ukraine expresses the hope that the nuclear States which are not parties to the Treaty will associate themselves with the efforts being made by Ukraine and other successor States to the former USSR, as well as by the United States of America, and will begin to reduce their nuclear arsenals.

The entry into force of the Treaty and its implementation will open the way for a decision by the Verkhovna Rada on the issue of the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968. c/

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c/ General Assembly resolution 2373 (XXII), annex.